

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

AMANDA SMITH, )  
CHERYL FERNANDEZ, )  
JOSEPH COLELLA, )  
JOSEPH TIMMERMANN, )  
KELLY STYLES LONGO, )  
SANDRA STYLES-HORVATH, )  
JOHANA GARCIA, and )  
SHARON MARIE BETSELL, )  
individually and on behalf of all )  
others similarly situated, )  
Plaintiffs, )  
v. )  
ATKINS NUTRITIONALS, INC., )  
Defendant. )

Case No. 2:18-CV-04004-MDH

## **DECLARATION OF ANI S. SARICH**

I, Ani S. Sarich, declare as follows:

1. I am a Supervising Case Manager for CPT Group, Inc. (“CPT”), the Notice and Claims Administrator jointly agreed upon by the Parties and appointed by this Court for the *Smith, et al. v. Atkins Nutritionals, Inc.* Settlement. I have personal knowledge of the facts set forth in this declaration and, if called upon to testify, I could and would testify competently to such facts.

2. The purpose of this declaration is to seek an additional 60-day extension of the deadline for Class Members who submitted Approved Claims to redeem Cash Awards (the “Redemption Deadline”). (Doc. 53, ¶ 10).

3. Pursuant to the Settlement Agreement and the Court’s Final Approval Order and Judgment, the Redemption Deadline for Settlement Class Members to claim their settlement payments (*e.g.*, by cashing checks) initially was scheduled to expire on November 1, 2020. (Doc. 53, ¶ 10).

4. On October 30, 2020, I, on behalf of CPT, submitted a declaration in support of a Joint

Motion for Extension of the Redemption Deadline. The Court granted the Motion for Extension, extending the Redemption Deadline to December 31, 2020.

5. Since that time, CPT has continued to administer the Settlement and in particular, Class Members' redemption of Approved Claims, and approximately 2,200 additional paper checks have been returned with forwarding addresses to CPT. In addition, approximately 20 checks have been returned without forwarding addresses to CPT. For these checks, CPT has attempted to locate a current mailing address using Accurint, one of the most comprehensive address databases available.

6. As of the date of this declaration, CPT also has approximately 600 pending inquiries from Settlement Class Members who have requested paper checks in lieu of electronic payments because the initial attempted electronic payment was unsuccessful and/or the Class Members no longer have the ability to accept the direct deposits as they originally anticipated and requested.

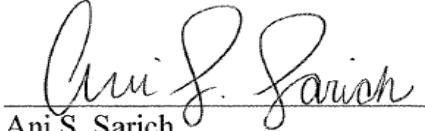
7. CPT is prepared and ready to reissue paper checks to Class Members whose were either returned with forwarding addresses or for which CPT, through Accurint, has been able to locate forwarding addresses, as well as issue the paper checks requested by Settlement Class Members who have requested paper checks in lieu of their previous requests for electronic payments. Without a further extension of the redemption deadline, such reissuances would be futile, because such Settlement Class Members would not have sufficient time after receipt of the checks to negotiate them prior to the current December 31, 2020 deadline.

8. For these reasons, CPT requests an additional 60-day extension of the Redemption Deadline, to March 1, 2021, to allow CPT to reissue and/or issue the paper checks discussed above and allow Class Members a sufficient opportunity to redeem them.

9. CPT does not anticipate that any further extensions of the Redemption Deadline will be required. If this request is granted, CPT will, in accordance with the Settlement Agreement and the Court's Final Approval Order, distribute all unredeemed amounts as of March 1, 2021 to the American Diabetes Association, as the *cy pres* recipient designated to receive such funds.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 30th day of December, 2020 at Irvine, California.



Ani S. Sarich